

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS

KATHY BRADLEY, LORI HESS,
and KAY KLAUSNER,

Plaintiffs,

v.

INNER-TITE CORP.,

Defendant.

Case No. 10-cv-693-JPG-SCW

ORDER OF CERTIFICATION TO ATTORNEY GENERAL

Pursuant to 28 U.S.C. § 2403(a) and Federal Rule of Civil Procedure 5.1(b), the Court **CERTIFIES** to the Attorney General of the United States that the constitutionality of the *qui tam* provisions of 35 U.S.C. § 292 has been questioned, whereby the Court **ORDERS** that the United States shall be permitted to intervene on or before May 13, 2011. As such, the Court **DIRECTS** the Clerk of Court to send a copy of this order to:

Attorney General of the United States
c/o Lee Lofthus
Assistant Attorney General for Administration
Justice Management Division
950 Pennsylvania Ave
NW Room 1111
Washington, DC 20530

and

United States Attorney for the Southern District of Illinois
c/o J. Christopher Moore
Assistant United States Attorney, Civil Chief
9 Executive Drive
Suite 300
Fairview Heights, IL 62208

As a final matter, the Court simply notes that Defendant Inner-Tite Corp. has yet to fulfill its filing obligations under Federal Rule of Civil Procedure 5.1(a)(1) despite raising the

constitutionality of the *qui tam* provisions of 35 U.S.C. § 292 in its pending Motion to Dismiss (Doc. 14) and Memorandum (Doc. 15) in support thereof.

IT IS SO ORDERED.

DATED: April 26, 2011

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE